

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL J. HARSHBARGER, et al. : CIVIL ACTION
Plaintiffs :
: NO. 12-6172
v. :
:
PENNSYLVANIA MUTUAL LIFE :
INSURANCE COMPANY :
Defendant :

ORDER

AND NOW, this 11th day of April 2014, upon consideration of Defendant Pennsylvania Mutual Life Insurance Company's *motion to dismiss Plaintiffs' complaint*, filed pursuant to Federal Rule of Civil Procedure 12(b)(6) [ECF 8], Plaintiffs' response in opposition thereto [ECF 20], Defendant's reply [ECF 22], the parties' respective supplemental briefs [ECF 27, 30, 31, and 32], the allegations contained in the complaint [ECF 1], and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the motion to dismiss is **GRANTED**, and this Court will **ABSTAIN** from exercising its jurisdiction in this matter in deference to the Pennsylvania Department of Insurance.

It is further **ORDERED** that this matter is **STAYED** pending resolution of Plaintiffs' claims before the Pennsylvania Department of Insurance. This matter shall be placed in **CIVIL SUSPENSE** until further order of the Court.

BY THE COURT:


NITZA I. QUINONES ALEJANDRO, J.